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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/604,390

07/17/2003

Jen-Shou Tseng

9610-US-PA

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07/16/2007

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EXAMINER

CHAN, KO HUNG

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--|-------------------------------|------------------------------|--|
| <p align="center">Office Action Summary</p> | Application No. 10/604,390 | Applicant(s) TSENG ET AL. | |
| | Examiner Korie H. Chan | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 9-15, 18, 21-26 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) 30-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 9-15, 18, 21-26 and 28-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement..

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 30-33 have been withdrawn from consideration as being directed to a non-elected invention as discussed in the previous Office action. See 37 CFR 1.142(b) and MPEP § 821.03.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 1-3, 6, 9-12, 28, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is vague and indefinite for having a preamble recitation inconsistent with the recitation in the body of the claim. Preamble of claim 1 sets forth an intended use of a supporting structure "for a scanner"; However, the body of the claim sets forth a combination claim with the scanner. Such inconsistency makes it unclear as to whether a combination of supporting and scanner is claimed or not. Examiner has treated the claims as claiming combination claim of support and scanner.

Claim Rejections - 35 USC § 102

Claims 1, 2, 11-14, 23-29, and 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Prior Art of figures 1 and 2 as disclosed by Kao (US patent no. 6,762,864). Prior Art disclosed in Kao discloses a scanner with a case body (102) for a platform (110) of glass or acrylic resin as disclosed in applicant's specification

comprising: a housing (12, figure 1) having an opening on which the platform (16 and 21 assembly) is placed, and one or more support elements (202, figure 2) integrally formed with the housing, at least one of the support elements comprising: a supporting surface (uppermost surface spring 202) on a top of each support element configured to contact the platform; and an absorbing body (the lower section of spring 202) located beneath the supporting surface capable of resilient deformation to absorb a stress received by the supporting surface in response to an external force; wherein the support element is located along a periphery of the platform.

Claim Rejections - 35 USC § 103

Claims 3, 6, 9, 10, 15, 18, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art of figures 1 and 2 as disclosed by Kao (US patent no. 6,762,864) in view of Rohee (US patent no. 5,224,781). Prior Art disclosed by Kao disclosed all the claimed features of applicant's invention except for the absorbing body is of "5" shaped. Rohee demonstrates it is old and well-known to make an absorbing body of a "5" shaped. To provide an absorbing body of "5" shaped would have been a matter of obvious design choice and is demonstrated by Rohee.

Claims 1, 2, 11-14, 23-29, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (as provided in applicant's own specification and as shown in applicant's figures 1A-1B and herein referred to as "PA") in view of Kakizaki et al (US patent no. 5,633,461). PA discloses a scanner with a case body (102) for a platform (110) of glass or acrylic resin as disclosed in applicant's specification comprising: a housing (102) having an opening on which the platform is placed, and one

or more support elements (112) mounted on interior walls of the housing, at least one of the support elements comprising: a supporting surface (flat horizontal ledge of 112) on a top of each support element configured to contact the platform; and an absorbing body (the lower vertical section of 112 inherently shares the stress or weight received by the supporting surface or the flat horizontal ledge of 112 since it is supporting the ledge) located beneath the supporting surface configured to share a stress received by the supporting surface in response to an external force; wherein the support element is located along a periphery of the platform. However, PA does not disclose the absorbing body is of the resilient deformable type. Kakizaki teaches a case body (18) for a platform (16) comprising: a housing (18) having an opening on which the platform is placed, and one or more support elements (17) mounted on interior walls of the housing, at least one of the support elements comprising: a supporting surface (19, figure 6, 7) on a top of each support element configured to contact the platform; and an absorbing body (17a or 17d) capable of resilient deformation located beneath the supporting surface configured to share a stress received by the supporting surface in response to an external force; wherein the support element is located along a periphery of the platform. It would have been obvious to one of ordinary skill in the art to have modify the absorbing body of PA such it is resiliently deformable type to absorb vibration as taught by Kakizaki.

Claims 3, 6, 9, 10, 15, 18, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (as provided in applicant's own specification and as

shown in applicant's figures 1A-1B and herein referred to as "PA") in view of Kakizaki et al (US patent no. 5,633,461) as applied to claims 1, 13, and 34 above and further in view of Rohee (US patent no. 5,224,781). PA and Kakizaki combined disclosed all the claimed features of applicant's invention except for the absorbing body is of "5" shaped. Rohee demonstrates it is old and well-known to make an absorbing body of a "5" shaped. To modify the absorbing body of PA and Kakizaki combined such that the absorbing body is of "5" shaped would have been a matter of obvious design choice and is demonstrated by Rohee.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

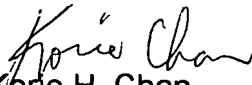
Art Unit: 3632

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
July 09, 2007